

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

IN RE AUTOMOTIVE PARTS ANTITRUST LITIGATION	:	Master File No. 12-md-02311 Honorable Marianne O. Battani
--	---	--

In Re: All Auto Parts Cases	:	2:12-md-02311-MOB-MKM
-----------------------------	---	-----------------------

THIS DOCUMENT RELATES TO:	:	
---------------------------	---	--

All Auto Parts Cases	:	
----------------------	---	--

**UNOPPOSED RULE 41 MOTION TO DISMISS AUTOMOBILE DEALER PLAINTIFF  
HOLZHAUER AUTO AND TRUCK SALES, INC.**

Pursuant to Federal Rule of Civil Procedure 41(a)(2) Automobile Dealer Plaintiff

Holzhauser Auto and Truck Sales, Inc. (“Holzhauer”) files this unopposed motion for a dismissal with prejudice of its claims. In support of its unopposed motion, Holzhauer states as follows:

1. In the September 29, 2015 Order (“Order”) on Holzhauer’s Rule 21 motion to be dropped as a named class representative, Special Master Eshaki granted Holzhauer’s motion, but required Holzhauer to respond fully to Defendants’ discovery. 2:12-md-02311-MON-MKM, ECF 1113, at 3.

2. Since entry of the Order, Holzhauer and Defendants have reached an agreement regarding Holzhauer. Specifically, Holzhauer has agreed not to file an objection to the Order and, instead, agreed to file the present motion. In return, Defendants will not ask for full discovery responses, but rather will accept limited discovery from Holzhauer as set out in the proposed order delivered to the Special Master contemporaneously with the filing of this motion.<sup>1</sup>

3. The present motion and proposed order only concern Holzhauer and do not in any way affect the claims and rights of the other Auto Dealer Plaintiffs and putative class members.

4. Holzhauer respectfully requests that the Special Master grant the present motion.<sup>2</sup>

Date: October 23, 2015.

Respectfully submitted,

/s/ Don Barrett  
John W. “Don” Barrett  
David McMullan, Jr.  
Brian Herrington  
BARRETT LAW GROUP, P.A.  
P.O. Box 927  
404 Court Square  
Lexington, MS 39095

---

<sup>1</sup> Exhibit 1 Proposed Order.

<sup>2</sup> Given that the present motion is unopposed and is straightforward, Holzhauer requests to be excused from filing the separate brief required by LR 7.1.

Telephone: (662) 834-2488  
Facsimile: (662)834.2628  
dbarrett@barrettlawgroup.com  
dmcmullan@barrettlawgroup.com  
bherrington@barrettlawgroup.com

Jonathan W. Cuneo  
Joel Davidow  
Victoria Romanenko  
CUNEO GILBERT & LADUCA, LLP  
507 C Street, N.E.  
Washington, DC 20002  
Telephone: (202) 789-3960  
Facsimile: (202) 789-1813  
jonc@cuneolaw.com  
Joel@cuneolaw.com  
Vicky@cuneolaw.com

Shawn M. Raiter  
LARSON KING, LLP  
2800 Wells Fargo Place  
30 East Seventh Street  
St. Paul, MN 55101  
Telephone: (651) 312-6500  
Facsimile: (651) 312-6618  
sraiter@larsonking.com

***Interim Co-Lead Counsel for the  
Automobile Dealer Plaintiffs***

Gerard V. Mantese (P34424)  
David Hansma (P71056)  
Joshua Lushnat (P75319)  
MANTESE HONIGMAN ROSSMAN  
AND WILLIAMSON, P.C.  
1361 E. Big Beaver Road  
Troy, MI 48083  
Telephone: (248) 457-9200 Ext. 203  
Facsimile: (248) 457-9201  
gmantese@manteselaw.com  
dhansma@manteselaw.com  
jlushnat@manteselaw.com

***Interim Liaison Counsel for the  
Automobile Dealer Plaintiffs***

**CERTIFICATE OF SERVICE**

I, Don Barrett, hereby certify that on October 23, 2015, I filed this document via CM/ECF, which will provide notice to all counsel of record.

/s/ Don Barrett  
John W. "Don" Barrett